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Letter dated 23 November 2000 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the text of a statement of the Ministry of Foreign Affairs of Georgia dated 17 November 2000 (see annex) in response to the statement made by the official representative of the Ministry of Foreign Affairs of the Russian Federation on 14 November 2000 regarding the introduction of the visa regime with Georgia.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Peter **Chkheidze**
Ambassador
Permanent Representative

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Annex to the letter dated 23 November 2000 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia

On 9 and 10 November 2000, the negotiations on the introduction of the visa regime between Georgia and Russia were held in Moscow.

During the negotiations the Georgian delegation again stated its position that the introduction of the visa regime would not advance the development of partnership and friendly relations between the two neighbouring countries and presented to the Russian side a draft agreement on the visa-free movement of citizens between the two countries.

The negotiation agenda had included the discussions on the draft agreements prepared by the sides on the movement of citizens between the two countries.

The Georgian side gave positive consideration to the proposal of the Russian side not to include the Chechen segment of the border into the draft Protocol on Simplified Border Crossing by the Residents of the Near-Border Territories and made a similar request to the Russian side regarding the Abkhazia and Tskhinvali region. Taking the aforesaid into account, the Georgian side offered to the Russian side to apply the draft Protocol to the only existing border crossing point (at Kazbegi-Zemo Larsi) between Russia and Georgia.

The Russian side refused to give further substantive consideration to the proposals made by the Georgian side, demonstrating a clearly destructive position, and made a decision to introduce the visa regime unilaterally.

According to the statement of the official representative of the Ministry of Foreign Affairs of Russia, as from 14 November 2000, regarding the introduction of the visa regime with Georgia, the Russian Federation, out of humanitarian considerations, reserves the right to take additional unilateral actions, mindful of the interests of the residents of the near-border territories.

The Ministry of Foreign Affairs of Georgia is authorized to declare that the unilateral action on behalf of Russia, introducing the simplified border crossing on the segments of the Abkhazia/Tskhinvali region or on any other part of the Georgian-Russian State border, violates such universally recognized principles of international law as non-interference in the internal affairs of sovereign States, sovereign equality and the inviolability of borders.

Clearly discriminative actions on behalf of Russia, carried out only against Georgia within the Commonwealth of Independent States, call into question Russia's role as an unbiased mediator in the conflict resolution process and undermine the agreements already achieved regarding the utilization of some elements of the remaining infrastructure of the Guaduta military base after its removal.

"Humanitarian considerations" of the interests of residents of the near-border territories, offered as an argument by Russia, do not hold as a justification for the violation of universally recognized principles and norms of international law and other international obligations.

Georgia, as a sovereign State, reserves the right to employ all relevant norms of international law in response to any of the unilateral actions taken by the Russian side.

The unilateral decision by the Russian Federation to introduce the visa regime will, naturally, create difficulties not only for the Georgian nationals residing in Russia, but also for the Russian citizens temporarily living in Georgia, including the military personnel and their families. The approach of the Government of Georgia towards this category of Russian citizens will be determined by the treatment the Georgian nationals residing in Russia will receive from the Russian Federation.

In addition, the Ministry of Foreign Affairs of Georgia reminds the Russian side that, pursuant to the Agreement between the Government of the Republic of Georgia and the Russian Federation on the Customs Border-Crossing Point, as from 8 October 1993, Kazbegi-Zemo Larsi is the only legally functioning border-crossing point between the two countries. Foreign nationals who enter Georgia via different directions are considered by the Criminal Code of Georgia as illegal trespassers and are subject to criminal liability.

The Ministry of Foreign Affairs of Georgia regards the statement of the official representative of the Ministry of Foreign Affairs of the Russian Federation as destructive and calls upon the Russian side to give full consideration to the gravity of the potential consequences of the actions of the Russian side, referred to in the statement.

The Georgian side hopes that the international community will take a firm position and will unequivocally uphold the principles and norms of international law.

Tbilisi, 17 November 2000.